

**FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III, *et al.*,

Plaintiffs,

- vs -

XCENTRIC VENTURES, LLC.,
et al.,

Defendants.

Civil No.:
4:16-cv-00179-HCM-DEM
4:17-cv-00012-HCM-RJK

**EDWARD MAGEDSON'S BRIEF IN SUPPORT OF MOTION FOR LEAVE FOR AN
EXTENSION OF TIME TO FILE AN ANSWER TO AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b)(1) Edward Magedson ("Magedson") moves this Court for an extension of time of one day to file his Answer to the plaintiffs' Amended Complaint.

On August 29, 2017 the Court issued its ruling on Xcentric Ventures, LLC's and Magedson's Motion to Dismiss the Amended Complaint. ECF No. 107. The undersigned counsel calculated the due date for Magedson's Answer to the Amended Complaint pursuant to Fed. R. Civ. P. 12(a)(4)(A) and 6(a)(1) and determined the due date to be September 13, 2017. Counsel filed Magedson's Answer to the Amended Complaint the morning of September 13, 2017 (today). It appears that counsel incorrectly calculated the due date for the Answer and was informed by the clerk that the correct due date was September 12, 2017.

Upon notification , counsel conferred with plaintiffs' counsel regarding this motion. Plaintiffs' do not oppose Mageson's request for leave for an extension of time of one day to file its Answer to the Amended Complaint.

Magedson should not be prejudiced because of the undersigned's calculation error. *See Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951 (4th Cir. 1987)(holding blameless party should not be disadvantaged because of error of counsel).

Magedson respectfully requests the Court grant this motion for leave for an extension of time to file its Answer to the Amended Complaint one day late for the reasons stated above.

Dated: September 13, 2017

Respectfully submitted,

/s/ David A. Warrington

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*Counsel for Edward Magedson and
Xcentric Ventures, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2017, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all authorized users.

/s/ David A. Warrington

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